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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.
16 _____/

Date: December 14, 2007
Time: 9:00 a.m.

17 At the request of the parties, the Court enters this order
18 (a) continuing the status hearing presently set for Friday,
19 December 14, 2007 at 9:00 a.m. to February 29, 2008 at 9:00
20 a.m.; and (b) excluding time under the Speedy Trial Act from
21 December 14, 2007, based on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on
23 secured bond, has a pending motion to quash the search warrants
24 relevant to the indictment in the above-entitled matter, which
25 has been deferred.

26 2. The parties have engaged in and continue to engage in
27 substantive discussions to resolve this matter short of
28 litigation of motions and trial.

1 3. A status hearing is presently set for Friday, December
2 14, 2007, at 9:00 a.m.

3 4. Of the eleven individuals charged under the initial
4 indictment herein, it appears that eight have managed to reach
5 resolution.

6 5. In furtherance of settlement, Mr. Castellanos retained
7 sentencing expert Dayle Carlson, who prepared a seven-page
8 report that defense counsel tendered to the prosecution, along
9 with a ten-page "Confidential Settlement Conference Statement."

10 6. The parties met and conferred on June 7, 2007. The
11 defense tendered a specific proposal to resolve this case, which
12 is under submission to the government for consideration;
13 however, the government has not accepted or in any way agreed to
14 said proposal.

15 7. Accordingly, the parties agree that additional time is
16 necessary, and furthermore, believe in good faith that they can
17 resolve this matter short of litigation/trial.

18 8. Accordingly, the parties hereby request that this
19 matter be continued from Friday, December 14, 2007, until
20 Friday, February 29, 2008, at 9:00 a.m. for a prospective change
21 of plea.

22 9. Mr. Castellanos' attorneys, Shari White and Sara
23 Zalkin, are out of the office from December 19 through January
24 11 collectively and therefore not available to meet and confer
25 with the government during that time.

26 10. The parties stipulate that time is excludable from the
27 limitations of the Speedy Trial Act because the interests of
28 justice are served by granting a continuance. This continuance,

1 requested by the parties, will permit continuity of counsel, and
2 allow the reasonable time necessary for effective preparation,
3 taking into account the exercise of due diligence. 18 U.S.C.
4 sections 3161(h)(8)(A) and (B)(iv).

5 11. Time is further excluded pursuant to 18 U.S.C.
6 sections 3161 (h)(1)(F) predicated upon the defendant's pending
7 Motion to Quash, which excludes delay resulting from any pre-
8 trial motion from the filing of the motion through the conclu-
9 sion of the hearing or other prompt disposition of such motion.

10 THE PARTIES THEREFORE STIPULATE that the further status
11 hearing be continued from December 14, 2007, until 9:00 a.m. on
12 February 29, 2008, with time continuing to be excluded as
13 specified above, such that the ends of justice served by
14 granting such a continuance outweigh the best interests of the
15 public and the defendant in a speedy trial.


16 Dated: December 10, 2007

17
18 /s/ SHARI L. WHITE
19 SHARI L. WHITE
Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY
TIMOTHY J. LUCEY
Assistant U.S. Attorney

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21 **IT IS SO ORDERED.**

22 Dated: December 14, 2007

23 
24 D. LOWELL JENSEN, Judge
25 United States District Court
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